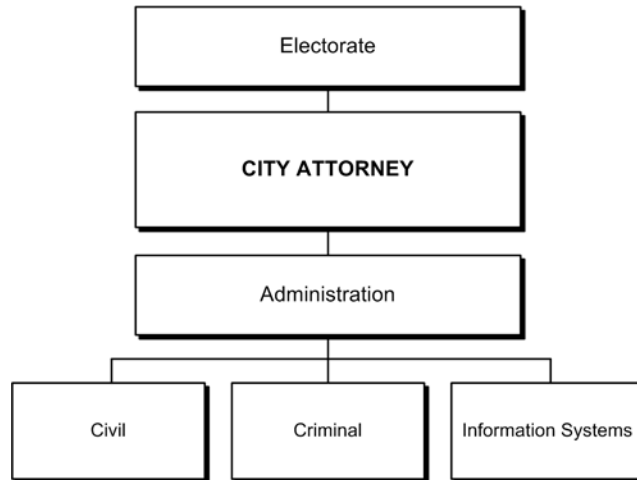


City
Attorney





Mission Statement

The City Attorney's Office is dedicated to a philosophy of proactive, early intervention lawyering and committed to community outreach. The Civil Division provides legal advice to every level of City government, files lawsuits on behalf of the City, and aggressively defends lawsuits brought against the City. The Criminal Division is a charter-mandated responsibility focused on increasing public safety through effective criminal prosecution of misdemeanor criminal offenders.

Department Description

The City Attorney's Office serves San Diego as the chief legal advisor and misdemeanor prosecutor. The City Attorney's Office is divided into four divisions: Administration, Civil, Criminal, and Information Systems. The primary operations of the Office are in the Criminal and Civil Divisions.

The Criminal Division is charter-mandated to prosecute all misdemeanors within the City of San Diego. Misdemeanors include violations of State and local laws, child abuse, theft offenses, sex crimes, gang and graffiti crimes, zoning and building code violations, consumer and environmental crimes, quality-of-life crimes, and many others.

The City Attorney's Civil Division provides legal services to the City of San Diego. Advisory attorneys provide legal guidance to the Mayor and City Council, and City departments. Litigation attorneys defend the City against lawsuits and pursue litigation when money is owed to the City.

The City Attorney's Office is made up of a highly professional, dedicated group of public servants. Attorneys, investigators, advocates, secretaries, legal assistants, and support staff in highly effective teams continue to serve the City and the people of the State of California. Over the last eight years, the Office has been recognized at the local, State, and national level for innovation, excellence, and measurable results related to efficiency, effectiveness, and public safety. The vast majority of the work of the Office is done with little fanfare or public notice. The Office has suffered no employment-related litigation in the last eight years. The Office continues to pride itself in hiring top caliber attorneys dedicated to making a difference in our community. Perhaps the best endorsement of the staff of the Office comes from the many community leaders, community organizations, City employees, police officers, and others who work continuously in partnership with the Office.

City Attorney

Division/Major Program Description

Administration

The City Attorney and the Executive Assistant City Attorney provide legal guidance and support to the Mayor and City Council, Council committees, City Manager, and City departments. The City Attorney and the Executive Assistant City Attorney lead the Office and manage the staff.

Civil

The Civil Division provides ongoing legal guidance and support to the Mayor and City Council, City Clerk, City Auditor and Comptroller, City departments, Council committees, Planning Commission, Housing Authority, and Redevelopment Agency. The Civil Division includes Employment and Safety Services, Public Works, Real Property, Trial, and Public Policy Units. Civil Division deputies advise on matters such as managing the City workforce; acquiring, using, and regulating City lands; and financing and constructing the City's multi-million dollar public works projects. Staff is dedicated to handling disputes from the early stages through trials and appeals in a proactive, efficient, and effective manner.

Criminal

The Criminal Division prosecutes misdemeanors committed within the City of San Diego, such as driving under the influence of alcohol or drugs, child abuse and domestic violence, theft offenses, sex crimes, gangs and quality-of-life crimes, zoning and building code violations, and consumer and environmental crimes. Prosecutors in the Screening and Arraignment, Neighborhood Prosecution, Trial, and Appellate Units handle the majority of the cases reviewed each year. Prosecutors are also assigned to one of the three specialized units: Consumer and Environmental Protection, Code Enforcement, and Child Abuse and Domestic Violence. The Criminal Division ensures that people who break the law receive appropriate punishment and rehabilitation.

The Office's entire Child Abuse and Domestic Violence Unit is now housed in the Family Justice Center at 707 Broadway in downtown San Diego, along with the Police Department's Domestic Violence Unit and domestic violence community partners. The Family Justice Center is the nation's most comprehensive "one-stop shop" for all services for victims of domestic violence and their children, and has already been chosen as a demonstration site for the entire country by the U.S. Department of Justice. The Family Justice Center is setting the standard for the county in providing comprehensive services for domestic violence victims.

Division/Major Program Description

Information Systems

The City Attorney's Information Systems Division provides technical assistance and user support. The Division prepares and monitors the information technology budget and service agreements; plans and coordinates new system development; and maintains and enhances existing systems. The Division also acts as the liaison between the City Attorney's Office, San Diego Data Processing Corporation, other law enforcement agencies, courts, and outside vendors for information technology and telecommunication services.

Service Efforts and Accomplishments

The City Attorney's accomplishments reflect the Office's ongoing dedication to proactive, early intervention lawyering and commitment to community outreach and the people of San Diego. The work of the Office is complex and diverse. The Department is pleased to share with the people of San Diego its year-end review of its work, which includes the following highlights of Fiscal Year 2003-2004:

- The Criminal Division screened more than 41,000 criminal misdemeanor cases and filed 32,000 cases submitted by the San Diego Police Department, San Diego Harbor Police, California Highway Patrol, Poway Sheriff's Substation, and other law enforcement agencies.
- The Criminal Division's Appellate Unit handled close to 700 pretrial motions, winning more than 90 percent of the motions argued at hearing.
- The Consumer Environmental and Protection Unit successfully prosecuted the owner of BIG Screen TV of San Diego, who defrauded 119 local victims. The joint investigation was the largest case in the 40-year history of the Bureau of Electronics and Appliance Repair.
- The City Attorney proposed and drafted the Vehicle Forfeiture Ordinance, targeting illegal street racers. The City Council unanimously approved this life saving ordinance, making San Diego the first city in the State to take a tough stand against illegal street racing.
- The Downtown and Mid-City Community Courts are now in session, ordering misdemeanor criminal defendants to do community work service in the neighborhoods they have harmed. A total of 67 cases were resolved with 832 hours of community work service performed, such as cleaning sidewalks and painting out graffiti.
- A local circuit board manufacturer was prosecuted for hazardous waste violations, resulting in \$278,000 in penalties, costs, and restitution to the City.
- The Criminal Division prosecuted 38 water pollution cases in the City; the settlement of one major case against a large beverage distributor resulted in \$153,000 in penalties and costs.
- The Code Enforcement Unit in the Criminal Division prosecuted 20 illegal grading cases, including a nursery owner who was fined \$220,000 for destroying sensitive habitat and waterways.
- The San Diego Family Justice Center was nationally recognized by President Bush as a model for other cities through the President's Family Justice Center Initiative, and the Family Justice Center was featured on national television on the Oprah Winfrey Show.

City Attorney

Service Efforts and Accomplishments

- The nation's first freestanding Forensic Medical Unit for victims of domestic violence opened at the Family Justice Center. It is a joint partnership with Sharp Grossmont Hospital.
- Camp Hope, the nation's first camp for child victims of domestic violence, began operation in the summer at Lake Sutherland.
- Continued progress on the Ballpark and Redevelopment Project. Bonds were sold in July and PETCO Park opened April 2004.
- The Civil Division's Trial Unit prevailed in all 13 civil jury trials conducted in 2003.
- The Civil Enforcement Section in the Trial Unit recovered \$905,142 for the City of San Diego.
- The multi-jurisdictional prosecution of a national gasoline and fuel company resulted in \$4 million in penalties, costs, and restitution, with \$300,450 paid to the City of San Diego.

Furthermore, the City Attorney's Office prevailed in 82 percent of civil jury trials, achieved a 95 percent overall conviction rate for the Criminal Division, 96 percent conviction rate in domestic violence prosecution, 90 percent success rate in more than 600 motions in criminal cases argued, an overall 70 percent wins of jury trials, and 140 writs and appeals with better than 90 percent decided in the people's favor.

Future Outlook

The City Attorney's Leadership Team has identified three long-range goals:

Enhance the Family Justice Center, which is nationally recognized as a demonstration site for uniting personnel from the San Diego Police Department, the City Attorney's Office, and community partners in one location to provide centralized victim support services, advocacy, and justice needed to address child abuse and domestic violence.

Expand the Neighborhood Prosecution Initiative by pursuing misdemeanor diversion programs, identifying additional liaison deputies for every community in San Diego, and aggressively pursuing grant funding.

Continue to provide early review, advice, and assistance to City departments in avoiding legal difficulties.

Budget Dollars at Work

\$905,143 Civil Enforcement Unit monetary recoveries - highest ever
\$200,000 Consumer Fraud Victim restitution in 500 consumer complaints
\$744,458 Third party recoveries by Employment Services and Safety Unit
\$171,740 Workers' Compensation Appeals Board credits
\$535,000 Department of Justice, Office of Violence Against Women grant for the Family Justice Center
4,393 Child Abuse/Domestic Violence cases reviewed, 70 to trial, and 70 percent guilty verdicts of those cases that went to trial
41,000 Misdemeanor cases reviewed and charges filed in 32,000 cases
6,500 Cases of driving under the influence
980 Sex crimes and prostitution cases prosecuted
920 Cases involving violence or threats of violence (excluding domestic violence cases)
2,500 Charges issued in "Felony-Wobbler" cases - cases rejected by the District Attorney but involving serious offenders to be prosecuted as misdemeanors
150 to 175 Misdemeanor cases set for trial each month
130 Cases to jury trial

City Attorney

City Attorney				
	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL	FY 2004-2005 CHANGE
Positions	322.21	322.94	323.11	0.17
Personnel Expense	\$ 26,093,236	\$ 26,951,965	\$ 30,879,208	\$ 3,927,243
Non-Personnel Expense	\$ 2,199,712	\$ 2,099,912	\$ 1,273,966	\$ (825,946)
TOTAL	\$ 28,292,948	\$ 29,051,877	\$ 32,153,174	\$ 3,101,297

Department Staffing

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
GENERAL FUND			
City Attorney			
Case Inquiry	0.00	0.00	6.00
Case Origination	102.15	100.90	40.25
Case Resolution	0.00	0.00	46.00
Code Enforcement	14.92	14.92	15.92
Consumer & Environ Protection	13.74	13.74	13.98
Dom Violence & Child Abuse	21.29	23.29	25.70
Employment Services	19.43	17.80	19.23
Information Systems	5.00	4.00	6.00
Leadership	2.00	2.00	2.00
Neighborhood Prosecution	0.00	0.00	5.00
Public Policy	4.33	4.33	6.40
Public Works	43.49	43.74	45.63
Real Property	23.10	23.10	24.12
Support Services	24.18	24.13	19.00
Trial Unit	48.58	50.99	47.88
Total	322.21	322.94	323.11

Department Expenditures

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
GENERAL FUND			
City Attorney			
Case Inquiry	\$ -	\$ -	\$ 312,762
Case Origination	\$ 7,584,073	\$ 7,546,243	\$ 3,033,236
Case Resolution	\$ -	\$ -	\$ 4,226,469
Code Enforcement	\$ 1,384,262	\$ 1,397,983	\$ 1,703,311
Consumer & Environ Protection	\$ 1,234,614	\$ 1,241,513	\$ 1,422,008
Dom Violence & Child Abuse	\$ 1,788,764	\$ 1,896,330	\$ 2,344,212
Employment Services	\$ 1,784,865	\$ 1,688,554	\$ 2,078,228
Information Systems	\$ 1,493,692	\$ 1,567,432	\$ 1,149,638
Leadership	\$ 446,363	\$ 464,185	\$ 475,446

City Attorney

Department Expenditures

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
GENERAL FUND			
City Attorney			
Neighborhood Prosecution	\$ -	\$ -	\$ 636,294
Public Policy	\$ 467,574	\$ 487,338	\$ 737,016
Public Works	\$ 3,785,405	\$ 3,899,660	\$ 4,544,526
Real Property	\$ 2,032,399	\$ 2,057,547	\$ 2,492,209
Support Services	\$ 1,802,821	\$ 2,061,158	\$ 2,051,914
Trial Unit	\$ 4,488,116	\$ 4,743,934	\$ 4,945,905
Total	\$ 28,292,948	\$ 29,051,877	\$ 32,153,174

Significant Budget Adjustments

GENERAL FUND

City Attorney	Positions	Cost
Salary and Benefit Adjustments	0.00	\$ 3,868,320
Adjustments to reflect the annualization of the Fiscal Year 2004 negotiated salary compensation schedule, Fiscal Year 2005 negotiated salaries and benefits, changes to average salaries, retirement contributions and other benefit compensation.		
Staffing to Support Real Estate Assets Department, Airports Division (Reimbursable)	1.25	\$ 127,251
Addition of 0.50 Deputy City Attorney, 0.25 Investigator, 0.25 Legal Assistant, 0.25 Legal Secretary, and support to provide dedicated legal services for airport-related matters (reimbursement from Real Estate Assets Airports Division).		
Staffing for Council Mandated Attorney Services to Code Enforcement Unit (Reimbursable)	1.00	\$ 127,137
Addition of 1.00 Deputy City Attorney and support to implement the Committee for Land Use and Housing, and City Council recommendation to use CDBG funding for aggressive code enforcement on substandard housing violations. Additional staff will be phased-in over Fiscal Years 2006 and 2007 (reimbursement from CDBG fund).		
Staffing to Support Maintenance Assessment Districts (Reimbursable)	0.50	\$ 69,210
Addition of 0.50 Deputy City Attorney to provide dedicated legal services for Park & Recreation's Maintenance Assessment Districts (reimbursement from Park & Recreation's Maintenance Assessment Districts).		

Significant Budget Adjustments

GENERAL FUND

City Attorney	Positions	Cost
Reduction to Support Information Technology & Communications Department	(0.58) \$	(45,255)
Reduction of 0.33 Investigator and 0.25 Word Processing Operator in order to keep cost of services within the IT&C budget, per memorandum of understanding, for dedicated legal services.		
Reduction to Support Environmental Services Department	(2.00) \$	(208,994)
Reduction of 1.00 Deputy City Attorney, 0.50 Investigator, 0.50 Legal Secretary, per memorandum of understanding, for dedicated legal services.		
Reduction of Non-Personnel Expense	0.00 \$	(250,000)
As part of Department's additional contribution to Fiscal Year 2005 budget cost savings, City Attorney's Office reduced \$250,000 from non-personnel expense.		
Support for Information Technology	0.00 \$	(586,372)
Funding has been reallocated according to a Citywide review of information technology budget requirements and priority analyses.		

Expenditures by Category

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
PERSONNEL			
Salaries & Wages	\$ 19,985,107	\$ 19,934,654	\$ 22,036,779
Fringe Benefits	\$ 6,108,129	\$ 7,017,311	\$ 8,842,429
SUBTOTAL PERSONNEL	\$ 26,093,236	\$ 26,951,965	\$ 30,879,208
NON-PERSONNEL			
Supplies & Services	\$ 927,728	\$ 748,846	\$ 511,167
Information Technology	\$ 966,022	\$ 1,019,831	\$ 550,515
Energy/Utilities	\$ 240,147	\$ 278,020	\$ 159,766
Equipment Outlay	\$ 65,815	\$ 53,215	\$ 52,518
SUBTOTAL NON-PERSONNEL	\$ 2,199,712	\$ 2,099,912	\$ 1,273,966
TOTAL	\$ 28,292,948	\$ 29,051,877	\$ 32,153,174

City Attorney

Revenues by Category

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
GENERAL FUND			
Licenses and Permits	\$ 4,000	\$ 2,000	\$ 2,000
Fines, Forfeitures, and Penalties	\$ -	\$ -	\$ 750,000
Charges for Current Services	\$ 5,857,888	\$ 6,059,196	\$ 6,362,550
Transfers from Other Funds	\$ 6,000	\$ 6,000	\$ -
TOTAL	\$ 5,867,888	\$ 6,067,196	\$ 7,114,550

Key Performance Measures

	FY 2003 BUDGET	FY 2004 BUDGET	FY 2005 FINAL
Average cost per misdemeanor case tracked	\$217	\$199	\$193
Average cost per case tracked by the Child Abuse and Domestic Violence Unit	\$497	\$527	\$651
City Attorney civil litigation cost per \$100 of private attorney cost ⁽¹⁾	\$42.00	\$42.00	\$48.00

Salary Schedule

GENERAL FUND

City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2004 Positions</i>	<i>FY 2005 Positions</i>	<i>Salary</i>	<i>Total</i>
1104	Account Clerk	1.00	1.00	\$ 34,768	\$ 34,768
1105	Administrative Aide I	2.00	2.00	\$ 40,043	\$ 80,086
1106	Sr Management Analyst	1.00	1.00	\$ 66,198	\$ 66,198
1132	Asst Management Analyst	2.00	2.00	\$ 47,983	\$ 95,966
1147	Principal Legal Assistant	1.00	1.00	\$ 70,508	\$ 70,508
1218	Assoc Management Analyst	3.00	3.00	\$ 58,746	\$ 176,238
1236	Auto Messenger	1.00	1.00	\$ 28,553	\$ 28,553
1348	Info Systems Analyst II	1.00	1.00	\$ 59,625	\$ 59,625
1349	Info Systems Analyst III	1.00	1.00	\$ 66,296	\$ 66,296
1386	Court Support Clerk I	11.00	11.00	\$ 34,938	\$ 384,323
1388	Court Support Clerk II	10.00	10.00	\$ 36,771	\$ 367,710
1401	Info Systems Technician	2.00	2.00	\$ 46,827	\$ 93,653
1402	Document Input Clerk-Terminal	2.00	2.00	\$ 34,774	\$ 69,548
1415	Dispute Resolution Officer	1.00	1.00	\$ 60,176	\$ 60,176
1535	Clerical Assistant II	22.50	22.50	\$ 31,869	\$ 717,048
1577	Legal Secretary	35.45	35.20	\$ 48,006	\$ 1,689,821
1596	City Attorney Investigator	20.50	19.92	\$ 64,461	\$ 1,284,071

⁽¹⁾ Efficiency is based on full cost of Trial Unit services compared to average cost of contracted outside attorney services. Full cost of Trial Unit services includes indirect costs such as of Department support costs, Civil Division support costs, and a portion of General Government Service's allocation as established by Auditors.

City Attorney

Salary Schedule

GENERAL FUND

City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2004 Positions</i>	<i>FY 2005 Positions</i>		<i>Salary</i>	<i>Total</i>
1598	Legal Assistant	19.12	19.37	\$	58,038	\$ 1,124,200
1614	Org Effectiveness Specialist II	1.00	1.00	\$	59,972	\$ 59,972
1648	Payroll Specialist II	1.00	1.00	\$	38,254	\$ 38,254
1726	Principal Clerk	1.00	1.00	\$	47,989	\$ 47,989
1728	Principal Atty Investigator	1.00	1.00	\$	78,407	\$ 78,407
1746	Word Processing Operator	13.25	13.00	\$	34,857	\$ 453,146
1776	Public Information Clerk	1.00	1.00	\$	34,873	\$ 34,873
1820	Sr Legal Secretary	10.00	10.00	\$	52,898	\$ 528,983
1822	Sr Legal Assistant	5.00	5.00	\$	63,958	\$ 319,790
1867	Librarian III	1.00	1.00	\$	61,707	\$ 61,707
1879	Sr Clerk/Typist	7.00	7.00	\$	39,789	\$ 278,522
1885	Sr Attorney Investigator	6.00	6.00	\$	71,012	\$ 426,072
1983	Victim Services Coordinator	3.00	3.00	\$	41,050	\$ 123,149
2001	City Attorney	1.00	1.00	\$	173,705	\$ 173,705
2106	Asst City Attorney	5.00	5.00	\$	168,225	\$ 841,123
2151	Deputy City Attorney	127.12	128.12	\$	92,130	\$ 11,803,712
2185	Sr Legal Intern	1.00	1.00	\$	55,633	\$ 55,633
2205	Conf Secretary To City Atty	1.00	1.00	\$	82,741	\$ 82,741
2214	Deputy Director	1.00	1.00	\$	125,497	\$ 125,497
	Industrial Leave	0.00	0.00	\$	-	\$ 1,264
	Overtime Budgeted	0.00	0.00	\$	-	\$ 12,496
	Temporary Help	0.00	0.00	\$	-	\$ 20,956
	Total	322.94	323.11			\$ 22,036,779
CITY ATTORNEY TOTAL		322.94	323.11			\$ 22,036,779

City Attorney

Five-Year Expenditure Forecast

	FY 2005 FINAL	FY 2006 FORECAST	FY 2007 FORECAST	FY 2008 FORECAST	FY 2009 FORECAST	FY 2010 FORECAST
Positions	323.11	323.11	323.11	323.11	323.11	323.11
Personnel Expense	\$ 30,879,208	\$ 31,805,584	\$ 32,759,752	\$ 33,742,544	\$ 34,754,821	\$ 35,797,465
Non-Personnel Expense	\$ 1,273,966	\$ 1,312,185	\$ 1,351,551	\$ 1,392,098	\$ 1,433,861	\$ 1,476,877
TOTAL EXPENDITURES	\$ 32,153,174	\$ 33,117,769	\$ 34,111,303	\$ 35,134,642	\$ 36,188,682	\$ 37,274,342

City Attorney

Fiscal Years 2006 - 2010 No major projected requirements.